

Express Mail Label No. EV 336 038 981 US

Attorney Docket No. 37167-8040.US01

PATENT

#68

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Johnson et al.

SERIAL NO.: 09/916,235

FILED: July 25, 2001

FOR: METHOD FOR DETECTING AND TREATING TUMORS
USING LOCALIZED IMPEDANCE

EXAMINER: Vrettakos

ART UNIT: 3739

CONFIRMATION NO.: 6858

Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 23 2003

TECHNOLOGY CENTER R3700

Sir:

1. On November 9, 2001, Applicants mailed a Response to Notice to File Missing Parts of Application including a Power of Attorney by Assignee. The Power of Attorney requested all correspondence be addressed to: Perkins Coie LLP, P.O. Box 2168, Menlo Park, CA 94026.

2. On January 24, 2002, the Response and associated papers, including the Power of Attorney by Assignee, were received in the United States Patent and Trademark Office (USPTO) as evidenced by the stamped postcard receipt, copy enclosed.

3. On September 11, 2002, the USPTO apparently mailed an Office action.

4. On March 12, 2003, Examiner Vrettakos, in a telephone interview, informed Applicants' representative that a response to the outstanding Office action mailed September 11, 2002 had not been received.

5. On April 8, 2003, the USPTO mailed a Notice of Abandonment for failure to timely file a proper reply.

6. On April 24, 2003 Examiner Vrettakos, in a telephone interview, informed Applicants' representative that the Power of Attorney by Assignee had not been properly entered for the file and the Office action mailed September 11, 2002 was mailed to the Applicant.

7. It is my understanding that it is the standard policy of Rita Medical Systems to forward all mail received from the United States Patent and Trademark Office (USPTO) to our office.

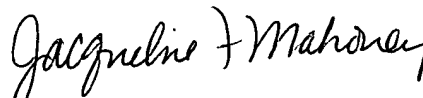
8. I, Jacqueline F. Mahoney, declare and affirm the Office action apparently mailed on September 11, 2002 was not received by our office. I further attest I have made a thorough search of the file jacket and the docket records and that there was no indication that the Office action apparently mailed September 11, 2002 was received.

9. Applicants submit herewith true copies of (1) the mail log showing the mail received for three months from the date of the mail date of the non-received Office action, and (2) a docket report showing all replies docketed with a due date of December 11, 2002.

10. Accordingly, Applicants respectfully request withdrawal of the holding of abandonment based on failure to receive the Office action. Applicants further request the Office action be remailed.

11. No fees are believed due with this petition, however, the Commissioner is authorized to charge any fees deemed due for timely consideration of this petition to Deposit Account No. 50-2207.

Respectfully submitted,



Jacqueline F. Mahoney
Registration No. 48,390

Date: June 12, 2003

Correspondence Address:

Customer No. 22918
Phone: (650) 838-4410